

CLASSIFICATION OFFICE DECISION

Title of publication: 5604401f95ffc2fe0d4463ca2453ad11.16[1]

Other known title(s): Not stated

OFLC ref: 1900317.012

Medium: Image File

Publisher: Not stated

Country of origin: Not stated

Language: Not applicable

Applicant: Commissioner of Police

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| Classification: | Unrestricted. |
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Descriptive note: None

Display conditions: None

Date of entry in Register: 26 September 2019

Date of direction to issue a label: No direction to issue a label has been issued

Date of notice of decision: 25 September 2019

Summary of reasons for decision:

The image depicts a clothed older man with his hand near the clothed chest of a female who may be a young person. It is sexualised by the URL that appears on the image. The small size and lack of image clarity mean that it is not clear if the man is touching the female, nor is he looking at her in a way that indicates he has sexual intentions. Any sexual reading derives mainly from the viewer's understanding of sexual matters rather than from the content of the image itself. The image is likely from a video and this one frame alone, without the wider context of the video, is not considered overtly sexual. The image doesn't depict sexual activity or sexualised nudity, nor is the female's pose in any way sexual. Even if the female subject were unequivocally a young person the image would still fail to reach the high threshold required to even tend to promote or support the exploitation of young persons for sexual purposes. However, should the entire video be submitted it may well have a very different effect and receive a different classification. This classification is consistent with the right to freedom of expression contained in the New Zealand Bill of Rights Act 1990.